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were made in the colonies at that period. It had only one house of legislature, a sort of executive committee instead of a governor, and several other defects. Another constitution was prepared in 1790; another in 1838; another in 1873, under which the people of the state are now living.

All this experience has given us, in Mr. White's book, a very interesting historical introduction. Since he has been a professor in the law department of the University of Pennsylvania, and has had something of a career in reform politics at Philadelphia, he writes from the point of view of a man long accustomed to dealing with public questions. But at the same time his book is thoroughly technical and intended for the practicing lawyer. The cited cases are numerous and well arranged. The chapters and sections bring into view in a clear way all the questions concerning constitutional construction that have been raised in Pennsylvania during the last century. It is by far the most complete and thorough book of constitutional law in Pennsylvania that has yet appeared, and it is doubtful if any other state has produced a book dealing with its constitution in such detail.

S. G. F.

HANDBOOK OF THE LAW OF EVIDENCE. By John Jay McKelvey. Second Edition, Revised. Hornbook Series. St. Paul: West Publishing Company. 1907. pp. xvii, 540.

A review of the first edition of this treatise has already appeared in the REVIEW. 11 HARV. L. REV. 482. It was then pointed out that though the leading original ideas were those of the late Professor Thayer, the writer deserved credit for his power of statement in assembling them in compact form. This second edition is an enlargement of the first. The chief object of this comment is to indicate the additions. In the chapter on "Judicial Notice," the chapter most extensively revised, the writer inserts a section on the effects produced by the application of the doctrine, in which he discusses to what extent a party will be deemed to have knowledge of a fact judicially noticed. In the same chapter appears a separate section on the right of a party adversely affected to disprove facts which a court may judicially notice. And at the end of this chapter a more exhaustive treatment is made of facts that are required to be noticed. In the chapter on the "Burden of Proof," which so clearly states the correct view that it is the burden of proceeding, not the burden of proof, that shifts, the writer adds a section in which his conclusion that negative allegations have no effect on the burden of proof seems as convincing as his treatment of the general subject in the first edition. The rearrangement of the chapter on "Presumptions" brings out the idea, so well presented in the first edition, that no question of evidence is involved. Also, new examples of presumptions are added. The author shows his sense of proportion in the last chapter on "Writings" by devoting several sections to pictorial evidence, in which he discusses its authentication, materiality, and accessibility.

The arrangement of the book with a short statement of the rule of law at the beginning of a section, followed by its elaboration, is well adapted for ready reference. The author's statements are uniformly succinct, and his elucidation of the principles is remarkably clear in its brevity. In one instance, however, it is believed that this brevity is responsible for a wrong impression as to the existing law. On page 429 is the statement that "upon cross-examination of a witness, questions may be put as to the contents of writings previously made by the witness, without the production of the writings themselves." As a statement of what the law ought to be in order to give to cross-examination its proper function, the above is admirable. But such, it would seem, is not the law in the great majority of jurisdictions in this country. It is true that the contrary doctrine, established by "The Queen's Case" (2 B. & B. 284) has been changed in England by statute, but the change has been followed in very few jurisdictions here. The reader is referred to Wigmore for an exhaustive discussion and the cases. 2 Wigmore, Ev., §§ 1259-1264. With the limited space at his command Mr. McKelvey no doubt intended to emphasize the matter as it should

be on principle, but some indication of this fact should have been made. Of the general excellence of the book as a means of refreshing the memory on the leading topics of evidence, sufficient was said in the review of the first edition. The rearrangement and additions of the new edition should increase the usefulness of the book.

R. T. H.

HANDBOOK OF THE LAW OF SURETYSHIP AND GUARANTY. By Frank Hall Childs. Hornbook Series. St. Paul: West Publishing Company. 1907. pp. x, 572. 8vo.

This volume follows out the compact and condensed treatment that is characteristic of the Hornbook Series. It is essentially a summary with a clear statement in many places of what the law is, but with almost no explanation or elucidation of the leading principles. The subject of suretyship lends itself less readily to such handling than almost any other. To this inherent difficulty may doubtless be attributed many of the shortcomings of the work.

With due allowances, however, for the enforced brevity of statement the subject in many instances seems to be unnecessarily confused. It is a fundamental proposition that in strict guaranty the party secondarily liable answers only after default by the principal, whereas in the ordinary case of suretyship the creditor has two independent obligations. This distinction seems apparent to the mind of the author, but it is so important that more pains should have been taken to set forth the consequences flowing from it. Again, the origin of the right to contribution as equitable is correctly stated, yet the author without any explanation refers to it in § 163 as resting on an implied contract. This apparent approval, without comment, of the language which is used in many of the cases, results, in this instance as in many others, in an inconsistency in statement and leaves the reader confused. Where there is less conflict between the origin of rights and their subsequent development, the subject is generally well handled. The leading principles of the right to subrogation are clearly set forth, and in many other instances the treatment is commendable, especially in view of the small compass allotted to it. It is regrettable that, on a branch of the law so little understood, a writer who is able to state some principles so clearly should be hampered by lack of space.

S. ST. F. T.

TRIAL EVIDENCE. By Richard Lea Kennedy. St. Paul: The Keefe-Davidson Co. 1906. pp. vii, 49. 8vo.

The book consists of succinct statements of the general principles of each head of the law of evidence, with references to text-books containing a discussion of them. The statements are clear, the arrangement is good, and there is an adequate index. The book, however, is merely a good sketch-map of the subject.

E. H. A., JR.

A SUPPLEMENT TO A TREATISE ON THE SYSTEM OF EVIDENCE IN TRIALS AT COMMON LAW, containing the Statutes and Judicial Decisions, 1904-1907. By John Henry Wigmore. Boston: Little, Brown and Company. 1907. pp. xiii, 459. 8vo.

A MANUAL OF PUBLIC INTERNATIONAL LAW. By Thomas Alfred Walker. Cambridge: At the University Press. New York: G. P. Putnam's Sons. 1895. pp. xxviii, 244. 8vo.

COLLECTIVE OWNERSHIP, otherwise than by Corporation or by Means of the Trust. By C. T. Carr. Cambridge: At the University Press. New York: G. P. Putnam's Sons. 1907. pp. xix, 118. 8vo.

DIE TUBERKULOSE, nach ihren juristischen Beziehungen in rechtsvergleichender Darstellung. By B. F. K. Neubecker. Leipzig: Georg Böhme. 1908. pp. 36. 8vo.

REPORTS OF THE AMERICAN BAR ASSOCIATION. Vol. XXXII. AN ESSAY ON PROFESSIONAL ETHICS. By George Sharswood. Fifth Edition. Philadelphia: T. & J. W. Johnson Company. 1907. pp. 196. 8vo.